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7 UNITED STATES DISTRICT COURT  
8 CENTRAL DISTRICT OF CALIFORNIA  
9 WESTERN DIVISION  
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11 JASON SCHMAUS, ) No. CV 10-00644-DDP (VBK)  
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13 ) Petitioner, ) ORDER ACCEPTING FINDINGS AND  
14 ) v. ) RECOMMENDATIONS OF UNITED STATES  
15 ) )  
16 ) FRANCISCO JACQUEZ, )  
17 ) Respondent. )  
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17 Pursuant to 28 U.S.C. §636, the Court has reviewed the Petition  
18 for Writ of Habeas Corpus ("Petition"), the records and files herein,  
19 and the Report and Recommendation of the United States Magistrate  
20 Judge ("Report"). Further, the Court has engaged in de novo review of  
21 those portions of the Report to which Petitioner has objected.

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1       **IT IS ORDERED** that: (1) the Court accepts the findings and  
2 recommendations of the Magistrate Judge, and (2) the Court declines to  
3 issue a Certificate of Appealability ("COA").<sup>1</sup>

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5 DATED:     May 2, 2013

  
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6 DEAN D. PREGERSON  
7 UNITED STATES DISTRICT JUDGE  
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21       <sup>1</sup> Under 28 U.S.C. §2253(c)(2), a COA may issue "only if the  
22 applicant has made a substantial showing of the denial of a  
23 constitutional right." The Supreme Court has held that, to obtain a  
24 Certificate of Appealability under §2253(c), a habeas petitioner must  
25 show that "reasonable jurists could debate whether (or, for that  
26 matter, agree that) the petition should have been resolved in a  
27 different manner or that the issues presented were 'adequate to  
28 deserve encouragement to proceed further'." Slack v. McDaniel, 529  
U.S. 473, 483-84, 120 S.Ct. 1595 (2000)(internal quotation marks  
omitted); see also Miller-El v. Cockrell, 537 U.S. 322, 336, 123 S.Ct.  
1029 (2003). After review of Petitioner's contentions herein, this  
Court concludes that Petitioner has not made a substantial showing of  
the denial of a constitutional right, as is required to support the  
issuance of a COA.